

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

JOHN P. HUNTER and BRIAN HUDSON, for
themselves and class members,

Plaintiffs,

vs.

MARY JANE M. ELLIOTT, P.C., PORTFOLIO
RECOVERY ASSOCIATES, LLC and LVNV FUNDING
LLC,

Defendants.

Case # 1:13-cv-01338-RJJ

Hon. Robert J. Jonker

**DEFENDANT, LVNV FUNDING LLC'S
MOTION TO EXCUSE PRESENCE FROM PRELIMINARY APPROVAL MOTION PRESENTMENT ON
DECEMBER 1, 2016**

Defendant, LVNV FUNDING LLC (LVNV), by and through its attorney, Nabil G. Foster of Hinshaw & Culbertson LLP, and for its Motion for excuse presence at the December 1, 2016 motion for preliminary approval of the class settlement agreement, states as follows:

1. This Court scheduled the presentment of the motion for preliminary approval of the class settlement for December 1, 2016.
2. The parties have reached a negotiated class settlement to resolve all issues and claims in this case. That settlement agreement is to be presented to this Court on December 1, 2016 in Grand Rapids, MI.
3. Defendant LVNV's counsel is located in Chicago, Illinois and he must travel on December 1 for a deposition in another case. The travel arrangements and the scheduled deposition are not able to be rescheduled due to discovery closure dates in another case.

4. Defendant LVNV does not want the preliminary approval process to be delayed. Therefore, LVNV seeks the Court's understanding and permission to be excused from attending the motion presentment on December 1, 2016.

5. No party will be prejudiced by Defendant LVNV's request.

6. Plaintiff's counsel has no objection to this request and the Co-defendant's counsel has no objection to this request.

WHEREFORE, Defendant, LVNV FUNDING LLC respectfully requests that this Court acknowledge the scheduling conflict of LVNV's counsel and excuse the absence of LVNV's counsel at the motion presentment on December 1, 2016.

Dated: November 29, 2016

LVNV FUNDING LLC, Defendant

By: /s/ Nabil G. Foster

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2016 I electronically filed the with the Clerk of the U.S. District Court, Western District of Michigan, the foregoing **DEFENDANT, LVNV FUNDING LLC'S MOTION EXCUSE PRESENCE FROM PRELIMINARY APPROVAL MOTION PRESENTMENT ON DECEMBER 1, 2016**, by using the CM/ECF system, which will send notification of such filing(s) to all attorneys of record and via U.S. Mail, First Class to all non-attorneys.

/s/Nabil G. Foster

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